

AUG 19 2021

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UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF HAWAII

C V21 00351 JMS KJM

Case No.: \_\_\_\_\_

## VERIFIED COMPLAINT

1. The Plaintiff is a U.S. citizen with right to residence in Japan as a Spouse of a Japanese Citizen.
2. The Defendants are the State of Hawaii and its Governor and Attorney General, sued in their official and personal capacities.

3. This Court has subject matter jurisdiction over this complaint alleging violations of rights secured by the United States Constitution. The Court has personal jurisdiction over the Defendants, who reside in this District, and venue is appropriate as the events giving rise to this claim occurred in this judicial district.

4. Despite the preeminent federal authority and responsibility over immigration and international travel, the State of Hawaii has instituted “Safe Travels”, its own alien registration system, enforced quarantine on international travelers directly conflicting with the Federal Government’s own carefully conceived regime governing the

1 same. Federal law completely regulates all aspects of international travel including route authority, arrival  
2 procedures, and quarantine.

3 5. The damage to foreign relations caused by Hawaii's gross overstepping of the Constitutional limits on it could  
4 hardly be overstated. Hawaii has embarrassed the United States abroad through diplomatic action undermining  
5 the Federal Government's own efforts. Indeed, the consequences have been enormous as foreign nationals are  
6 misled into believing that Hawaii is not a full part of the United States, and foreign governments at least  
7 including Japan have imposed varying and severe quarantine restrictions on arriving U.S. nationals depending  
8 on which state the U.S. nationals have traveled from.

9 6. In its latest iteration, Hawaii's Safe Travels no longer makes the slightest attempt to apply neutral rules to all  
10 arrivals by air to the state. Instead, Hawaii unequivocally seeks to distinguish between domestic arrivals and  
11 international arrivals and regulate the perceived greater risk of international travels. The Plaintiff was fully  
12 vaccinated in the United States and tendered proof to Hawaii on a previous flight to Hawaii from California  
13 resulting in exemption from quarantine, but the Hawaii Attorney General continues to refuse to exempt Plaintiff  
14 from quarantine after arriving on an international flight

15 7. As applied to domestic travelers, Hawaii's Safe Travels also requires invasive and unnecessary procedures  
16 which apply even after the end of any quarantine period, including comprehensive disclosure of whereabouts in  
17 Hawaii. Safe Travels is an unconstitutional infringement of the right to travel granted to Citizens of the United  
18 States under the Constitution, and violates the Commerce Clause of the Constitution.

#### 19 FIRST CAUSE OF ACTION – PREEMPTION UNDER FEDERAL LAW

20 8. Plaintiff incorporates paragraphs 1 through 7 of the Complaint as if fully stated herein.

21 9. Safe Travels preempted by federal law and by U.S. foreign policy.

#### 22 SECOND CAUSE OF ACTION – VIOLATION OF THE SUPREMACY CLAUSE

23 10. Plaintiff incorporates paragraphs 1 through 9 of the Complaint as if fully stated herein.

24 11. Safe Travels interferes with and represents an impermissible effort by Hawaii to establish its own international  
25 travel regulations in conflict with federal law and by U.S. foreign policy, and is invalid under the Supremacy  
26 Clause of the Constitution.

THIRD CAUSE OF CAUSE OF ACTION – VIOLATION OF THE COMMERCE CLAUSE

12. Plaintiff incorporates paragraphs 1 through 11 of the Complaint as if fully stated herein.

13. Safe Travels restricts the interstate movement of persons in a manner that is prohibited by Article One, Section Eight of the Constitution and federal law.

FOURTH CAUSE OF CAUSE OF ACTION – VIOLATION OF THE RIGHT TO TRAVEL OF CITIZENS  
OF THE UNITED STATES

14. Plaintiff incorporates paragraphs 1 through 11 of the Complaint as if fully stated herein.

15. Safe Travels infringes on the Constitutional Right to Travel of Citizens of the United States, and is therefore invalid.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff respectfully requests the following relief:

1. A declaratory judgment stating that Safe Travels is invalid, null, and void;
2. A preliminary and permanent injunction against the State of Hawaii and its officers, agents, and employees, prohibiting operation of Safe Travels;
3. The Plaintiff's damages from substantial additional costs and losses incurred in complying with Safe Travels on an arriving international flight on July 21, 2021, and substantial costs and losses from a cancelled air reservation on August 20, 2021 and other expenses, totaling at least \$5,000;
4. Costs in this action;
5. Any other relief the Court deems just and proper.

I declare under penalty of perjury the foregoing is true and correct

Dated this 19<sup>th</sup> day of August, 2021

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